



1           1.     **Rule 26(f) Meeting of Counsel and Commencement of Discovery.** The  
2 Court expects that counsel will participate in the meeting required by Rule 26(f) in a  
3 good faith manner, **with full disclosures and open (not grudging) exchanges of**  
4 **information as contemplated by Rules 26(a).** It is advisable for counsel to begin  
5 discovery and conduct it actively at the earliest possible time because they will have  
6 limited time to complete discovery after this Court’s Rule 26(f) Scheduling Conference.

7           2.     **Joint Scheduling Conference Report.** Counsel shall jointly file a Joint  
8 Scheduling Conference Report (hereinafter “Joint Report”) *at least seven (7) calendar*  
9 *days before the date set for the Scheduling Conference.* It should be titled “Joint  
10 Scheduling Conference Report Pursuant to Rule 26(f).” A Joint Scheduling  
11 Conference Report which does not comply with this Order likely will result in a  
12 continuance of the Scheduling Conference and possible sanctions.

13           “Jointly” contemplates a single report, regardless of how many separately-  
14 represented parties there are. The Joint Report shall report **shall include the**  
15 **following:**

- 16           a.     a short synopsis (not to exceed two pages) of the main claims,  
17                 counterclaims, and/or affirmative defenses.
- 18           b.     a brief description of the key legal issues.
- 19           c.     a list of percipient witness and key documents on the core issues  
20                 of the case.
- 21           d.     the realistic range of provable damages.
- 22           e.     whether there is insurance coverage.
- 23           f.     a statement of the likelihood of: motions seeking to add other  
24                 parties or to file amended pleadings; motions to transfer venue.
- 25           g.     a discussion of the present state of discovery, including a  
26                 description of completed discovery and a schedule of all  
27                 contemplated future discovery.
- 28           h.     a detailed written discovery plan, as contemplated by Rule 26(f),  
                  including the identity of all anticipated depositions by each party,  
                  contemplated written discovery requests, including requests for  
                  admission, document requests, and written interrogatories, and a  
                  schedule for the completion of all items of discovery.

- 1 i. a proposed discovery cut-off date. THIS MEANS THE LAST  
2 DAY BY WHICH ALL DEPOSITIONS MUST BE  
3 COMPLETED AND RESPONSES TO ALL PREVIOUSLY-  
4 SERVED WRITTEN DISCOVERY MUST BE PROVIDED **AND**  
5 **ALL HEARINGS ON DISCOVERY MOTIONS CONCLUDED.**
- 6 j. a description of the issues or claims that any party believes may be  
7 determined by motion for summary judgment or motion in limine.
- 8 k. a schedule of contemplated law and motion matters and a proposed  
9 cut-off date for motions. THIS MEANS THE LAST DATE ON  
10 WHICH MOTIONS MAY BE HEARD, NOT NOTICED.
- 11 l. a statement of what settlement discussions and/or written  
12 communications have occurred (specifically excluding any  
13 statement of the terms discussed).
- 14 m. a realistic (not padded) estimate of the time required for trial and  
15 whether trial will be by jury or by court. Each side should specify  
16 (by number, not by name) how many witnesses it contemplates  
17 calling.
- 18 n. proposed dates (complete attached schedule on Exhibit A).
- 19 o. a statement of any other issues affecting the status or management  
20 of the case (*e.g.*, unusually complicated technical or technological  
21 issues, disputes over protective orders, discovery in foreign  
22 jurisdictions, etc.).
- 23 p. for conflict purposes, corporate parties must identify all  
24 subsidiaries, parents and affiliates.

25 The Joint Report should set forth the requested information under section  
26 headings corresponding to the above-enumerated topics.

27 3. **Rule 26(f) Scheduling Conference.** The Scheduling Conference will be  
28 held in Courtroom 740 of the Roybal Federal Courthouse at 255 East Temple Street.  
Counsel shall comply with the following:

- a. **Participation.** The lead trial attorney must attend the Scheduling  
Conference. Unless excused for good cause shown in advance of  
the Conference, the Court reserves the right to designate the  
attorney attending the Conference as lead trial counsel. Counsel  
should be prepared to discuss not only the Joint Report but also  
what the case is really about at its core and whether there are ways  
to litigate it that will enhance the prospects for settlement (*e.g.*  
limited trial on bifurcated issues). If the time estimate for trial  
given in the Joint Report exceeds ten court days, counsel shall be  
prepared to explain the trial estimate. In a realistic manner, they  
should disclose approximately how many witnesses and exhibits  
truly are necessary and whether there are unusual factors, such as

1 non-English speaking witnesses, that are likely to extend the  
2 length of trial.

3 b. Continuance. A continuance of the Scheduling Conference will be  
4 granted only for good cause.

5 c. Use of Conference Telephone. If one or more of the lead counsel  
6 has his or her office outside of Los Angeles County, the Court is  
7 normally willing, at counsel's request, to conduct the status  
8 conference by conference telephone call. Please contact the court  
9 clerk at 213/894-3480 to get approval no later than the Wednesday  
10 before the Scheduling Conference. Opposing counsel who are  
11 outside of Los Angeles County may also participate by telephone  
12 The attorney requesting the telephonic status conference shall call  
13 213/894-0779 at the time and date specified above for specific  
14 instructions. After the other participants are assembled, that  
15 attorney will be notified that he or she must promptly originate the  
16 conference call.

17 4. **Protective Orders**. If you seek a protective order, propose it to  
18 opposing counsel before the Scheduling Conference if at all possible. In a separate  
19 standing order, the Court has adopted precise requirements for protective orders and  
20 the treatment of confidential information. Please comply with that order, which is  
21 available on the Court's website ([www.cacd.uscourts.gov](http://www.cacd.uscourts.gov)), or upon request from the  
22 Courtroom Deputy Clerk.

23 5. **Settlement Procedures**. The Court will normally be guided by the  
24 parties' agreement as to what settlement procedure is appropriate and when the  
25 optimum time for that procedure is. If the parties cannot agree, they should so inform  
26 the Court in the Joint Report.

27 Not to the exclusion of other procedures, the following are available:

28 a. A settlement conference with this Court or the Magistrate Judge  
assigned to the case.

b. A settlement conference or other settlement procedure before an  
attorney appointed by the Court or retained by the parties or  
selected from the Attorney Settlement Panel.

c. Arbitration, mediation, mini-trial procedures or other alternative  
dispute resolutions, possibly in conjunction with a. or b. above.

d. A settlement conference before another District Judge or  
Magistrate Judge selected at random from the Court's Civil  
Settlement Panel.

